

CAMBRIDGE CITY COUNCIL

Record of Executive Decision

Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place
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Decision of: Leader of the Council (Executive Councillor for Strategy and Transformation) Councillor Lewis Herbert.

Reference:

Date of decision: 26/05/2016 **Recorded on:** 26/05/2016

Decision Type: Non Key Decision

Matter for Decision: To extend the period for which the Public Spaces Protection Order (PSPO) in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place has effect for a further 3 years to 31st May 2019

Why the decision had to be made (and any alternative options): The Executive Councillor made a PSPO in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place that prohibits people from consuming alcohol or having an open container of alcohol in their possession within the above mentioned areas. The local authority may extend the period for which the Order has effect. If the Order is to be extended this must be done before the time when the Order is due to expire

The Executive Councillor's decision(s): To extend the period for which the Order has effect from 1st June 2016 to 31st May 2019 as set out in Appendix A.

Reasons for the decision: The Order has been extended as a necessity to prevent
(a) Occurrence or recurrence after that time of the activities identified in the order; or
(b) An increase in the frequency or seriousness of those activities after that time.

Scrutiny consideration: The Chair Strategy and Resources Scrutiny Committee (Cllr Robertson) had been appointed as an Ex Cllr after the local elections so the Vice Chair and opposition spokes were consulted prior to the action being authorised. Councillor Bick (LD spokes) did not support the proposal.

Report: A report detailing the background is attached.

Conflicts of interest: None

Comments:

Briefing Note – Urgent Decision – Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place

Purpose of the report:

To ask the Leader of the Council and Executive Councillor for Strategy and Transformation to extend the period for which the Public Spaces Protection Order (PSPO) in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place has effect for a further 3 years to 31st May 2019.

Reason why an urgent decision is required:

The Executive Councillor made a PSPO in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place in the form set out at Appendix A to run to 31st May 2016 and then to be reviewed. The local authority may extend the period for which the order has effect. If the order is to be extended this must be done before the time when the order is due to expire

Background:

The Council have carried out the consultation, notification and publicity required by the Anti-social Behaviour Crime and Policing Act 2014 and officers are satisfied on reasonable grounds that extending the order is necessary to prevent:

- (a) Occurrence or recurrence after that time of the activities identified in the order; or
- (b) An increase in the frequency or seriousness of those activities after that time.

Consultation has been carried out with the following:

The Police and Crime Commissioner

Inspector Matt Johnson, Parkside Police

Sergeant Kevin Misik, Parkside Police

Chair, Parochial Burial Grounds Management Committee overseers on behalf of the owners of Mill Road Cemetery

South Petersfield Residents Association

Manager of Ditchburn Place

Ward Councillors

All of the consultees supported the extension of the order. The local police said that the order has provided a useful tactical option for dealing with alcohol related anti-social behaviour and has been effective in reducing the incidence at the 3 locations. There continues to be anti-social behaviour connected to street drinking in nearby streets which the Council is addressing with police and outreach workers by offering support and information and enforcement where appropriate. It is reasonable in these circumstances to assume that the problems would return to the open spaces if the PSPO was discharged. The County Council has been notified of the proposal to extend the order.

The proposal to extend the order has been publicised on the City Council website.

When deciding whether to extend the period for which a PSPO has effect and if so for how long the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The restrictions imposed by the PSPO are considered proportionate for the prevention of crime and disorder.

The Council supports a range of strategies and interventions to address street drinking and alcohol related disorder. These interventions do have an impact but studies in previous years found that there is a group with entrenched anti-social habits who may only respond to legal remedies. The PSPO gives the police an additional tool when responding to calls for service making it appropriate to extend the order for 3 years.

Officer Contact:

Lynda Kilkelly, Safer Communities Manager, 7045

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59 PUBLIC SPACES PROTECTION ORDER

THE CAMBRIDGE CITY COUNCIL Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge PUBLIC SPACES PROTECTION ORDER 2016

THIS ORDER is made by Cambridge City Council (“the Council”) because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge shown coloured red on the attached 3 maps:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality
- Are or are likely to be unreasonable and
- Justify the restrictions imposed

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

DRINKING ALCOHOL

1. RESTRICTIONS:

You are prohibited from consuming alcohol or having an open container of alcohol in your possession within the area shown coloured red on the attached 3 map.

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 1st June 2016 and lasts until 31st May 2019

At any point before the expiry of this 3 year period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

2. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 63 of the Anti-Social Behaviour Crime and Policing Act says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this order; or
- Intend to consume alcohol in breach of this order

The constable or authorised person may require you

- (a) Not to consume, in breach of the order, alcohol, or anything which the constable or police community support officer reasonably believes to be alcohol;
- (b) To surrender anything in your possession which is, or which the constable or police community support officer reasonably believes to be, alcohol or a container for alcohol

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or police community support officer under section 63.

A person guilty of an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

FIXED PENALTY

A constable or police community support officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

The Common Seal of
Cambridge City Council
was affixed in the presence of

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Head of Legal Services

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)